



OSHA Update

March 2016

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OSHA Kansas City Office

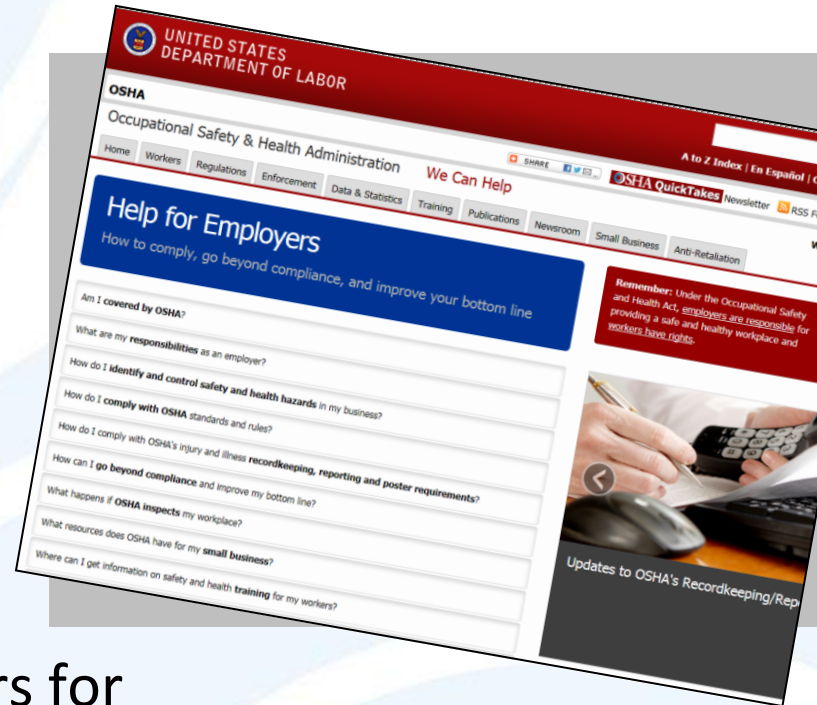
OSHA's Continuing Mission

- Every year more than **4,000** Americans die from workplace injuries.
- Perhaps as many as **50,000** workers die from illnesses in which workplace exposures were a contributing factor.
- **Millions** of workers suffer a serious nonfatal injury or illness annually.



Employer Responsibility

- **OSH Law:** Workplace safety and health is the responsibility of **employers**
- **Cornerstone:** **Prevention**
- **Set the tone:** Make safety and health a workplace **priority**
- **Right incentives:** Reward workers for showing initiative, **raising safety concerns**, and participating in prevention efforts



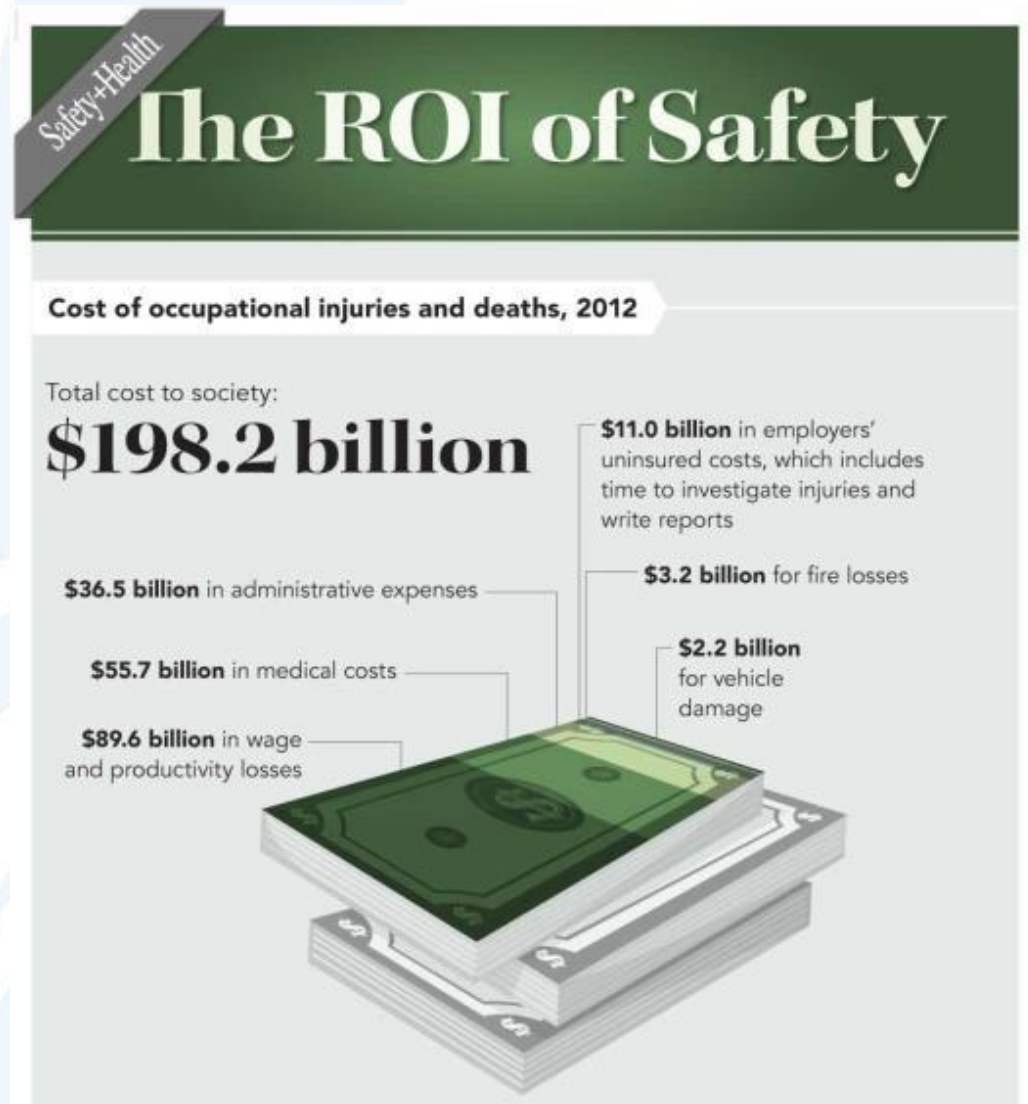
[osha.gov/employers](https://www.osha.gov/employers)



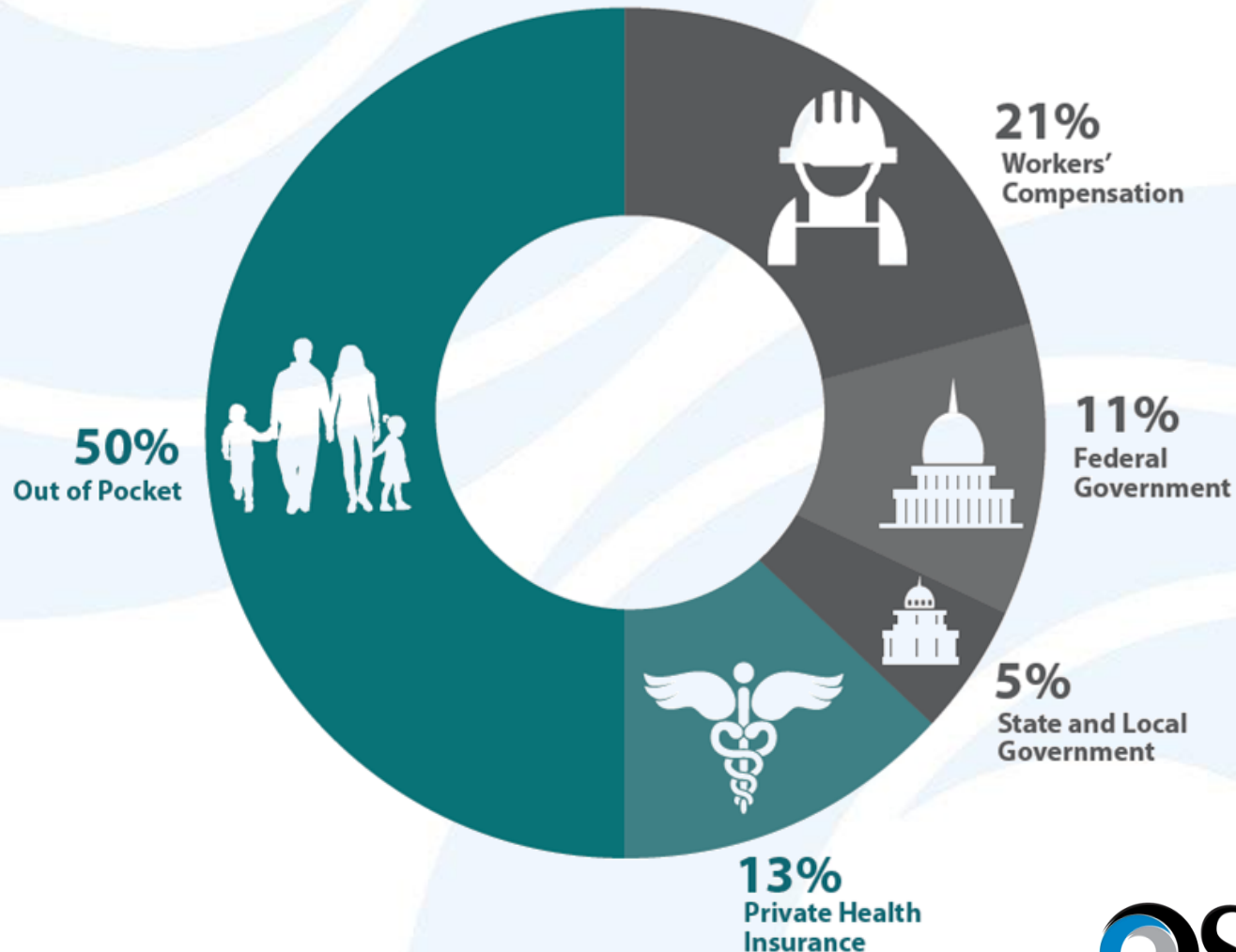
**Workplace injuries
and fatalities
cost our economy
\$198.2 billion
a year.**

**— National
Safety Council**

“Injury Facts” 2014



Who bears the cost of worker injuries?



Will Compliance with OSHA Regulations Make My Workplace Safe?

Safer, but not Safe!

Some fatalities and serious injuries
will *not* be prevented by simply
complying with OSHA regulations



WHY?

- **OSHA regulations don't cover all hazards**
(In some cases, not even the big ones)
- **Many OSHA standards are out of-date**
- **Regulations can't address every situation**

But More Importantly...

- Compliance is Static
- Safety is Dynamic
- Safety is Culture

Safety & Health Program Management Systems

Six Core Elements

- Management leadership
 - Worker participation
 - Hazard identification and assessment
- Hazard prevention and control
 - Education and training
- Program evaluation and improvement



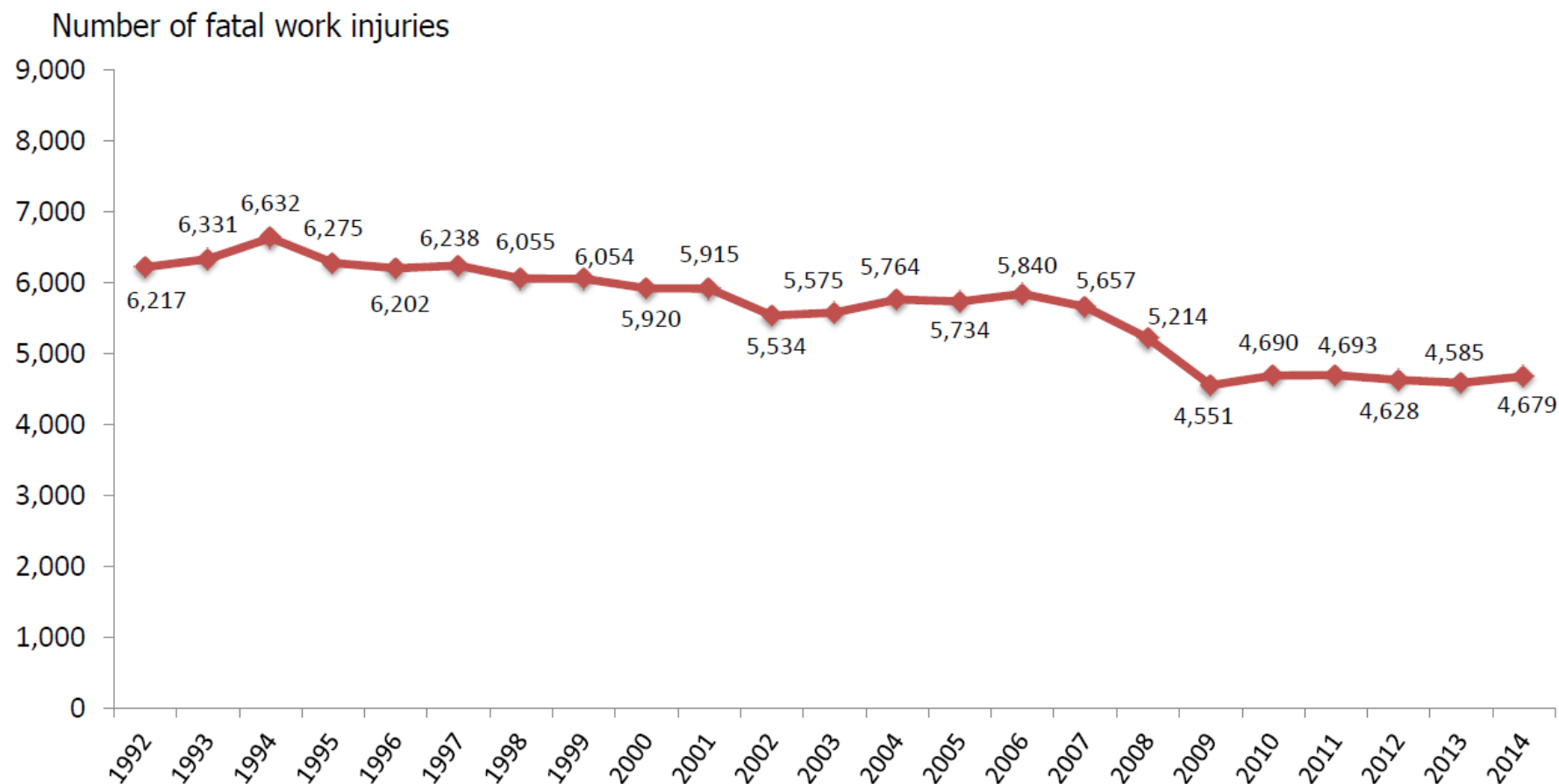
SHMS Program Guidelines

- Updating 1989 Safety and Health Program Management Guidelines
 - Building on lessons learned about successful approaches and best practices under OSHA programs such as VPP and SHARP.
- Will be supported by a series of tools to help employers implement:
 - an employee reporting tool
 - a benchmarking tool
 - a model program tool
 - a hazard identification checklist
 - a model incident investigation tool
 - an audit tool
- Expected publication in Fall of 2015.

2014 Bureau of Labor Statistics



Number of fatal work injuries, 1992–2014*



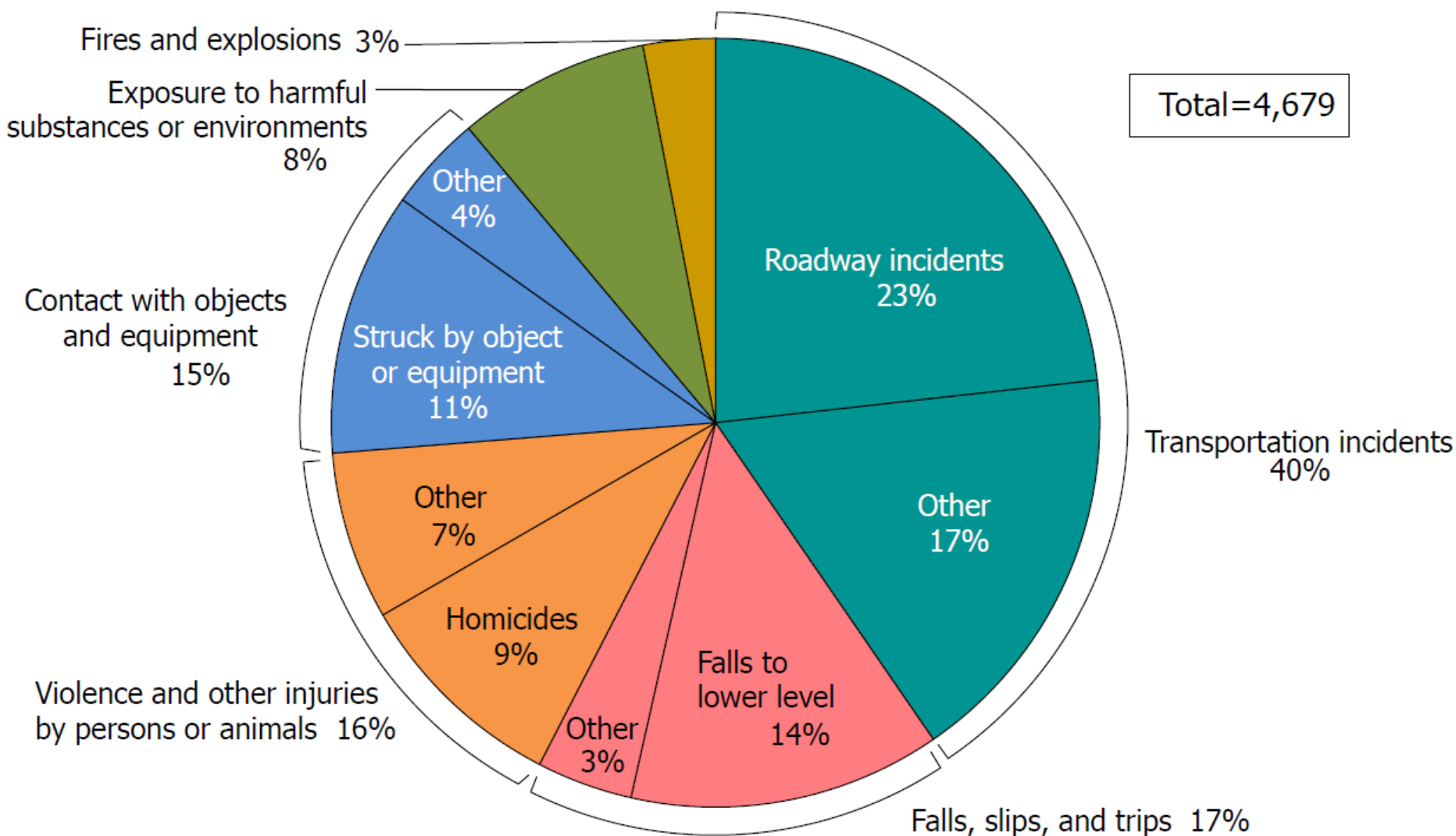
The preliminary total of 4,679 fatal work injuries in 2014 was 2 percent higher than the final count of 4,585 fatal work injuries reported for 2013. The count for 2014 was the highest since 2011.

*Data for 2014 are preliminary. Data for prior years are revised and final.

Note: Data from 2001 exclude fatal work injuries resulting from the September 11 terrorist attacks.

Source: U.S. Bureau of Labor Statistics, 2015.

Fatal occupational injuries by major event, 2014*



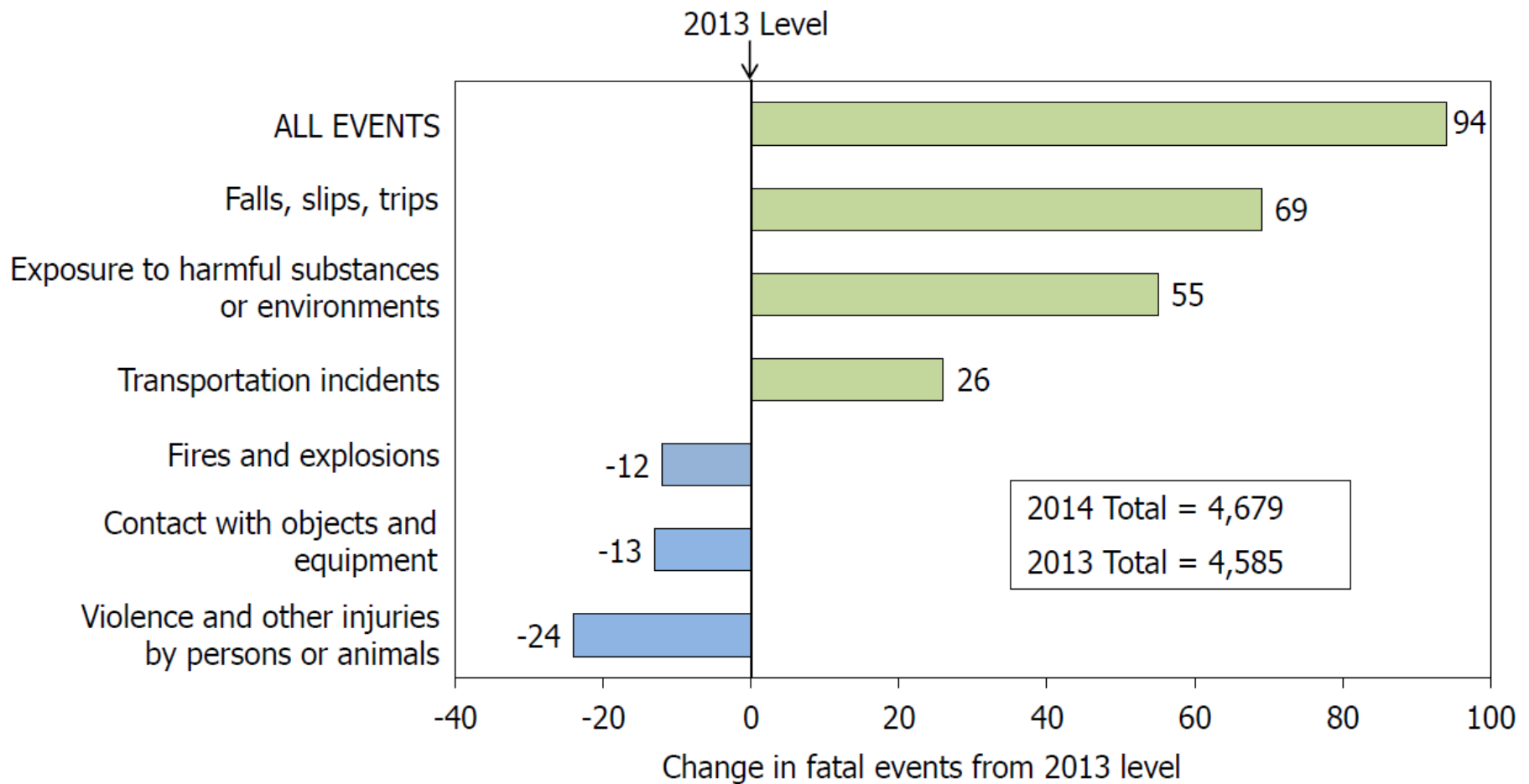
More fatal work injuries resulted from transportation incidents than from any other event in 2014. Roadway incidents alone accounted for nearly one out of every four fatal work injuries.

*Data for 2014 are preliminary.

Note: Transportation counts presented in this release are expected to rise when updated 2014 data are released in spring 2016 because key source documentation detailing specific transportation-related incidents has not yet been received. Percentages may not add to 100 due to rounding.

Source: U.S. Bureau of Labor Statistics, 2015.

Difference in fatal work injury counts by event, 2013–2014*



Overall, the preliminary total for 2014 was higher by 94 cases over the 2013 final total. The biggest increase in 2014 involved falls, slips, and trips. Violence and other injuries by persons or animals saw the greatest decrease between the two years.

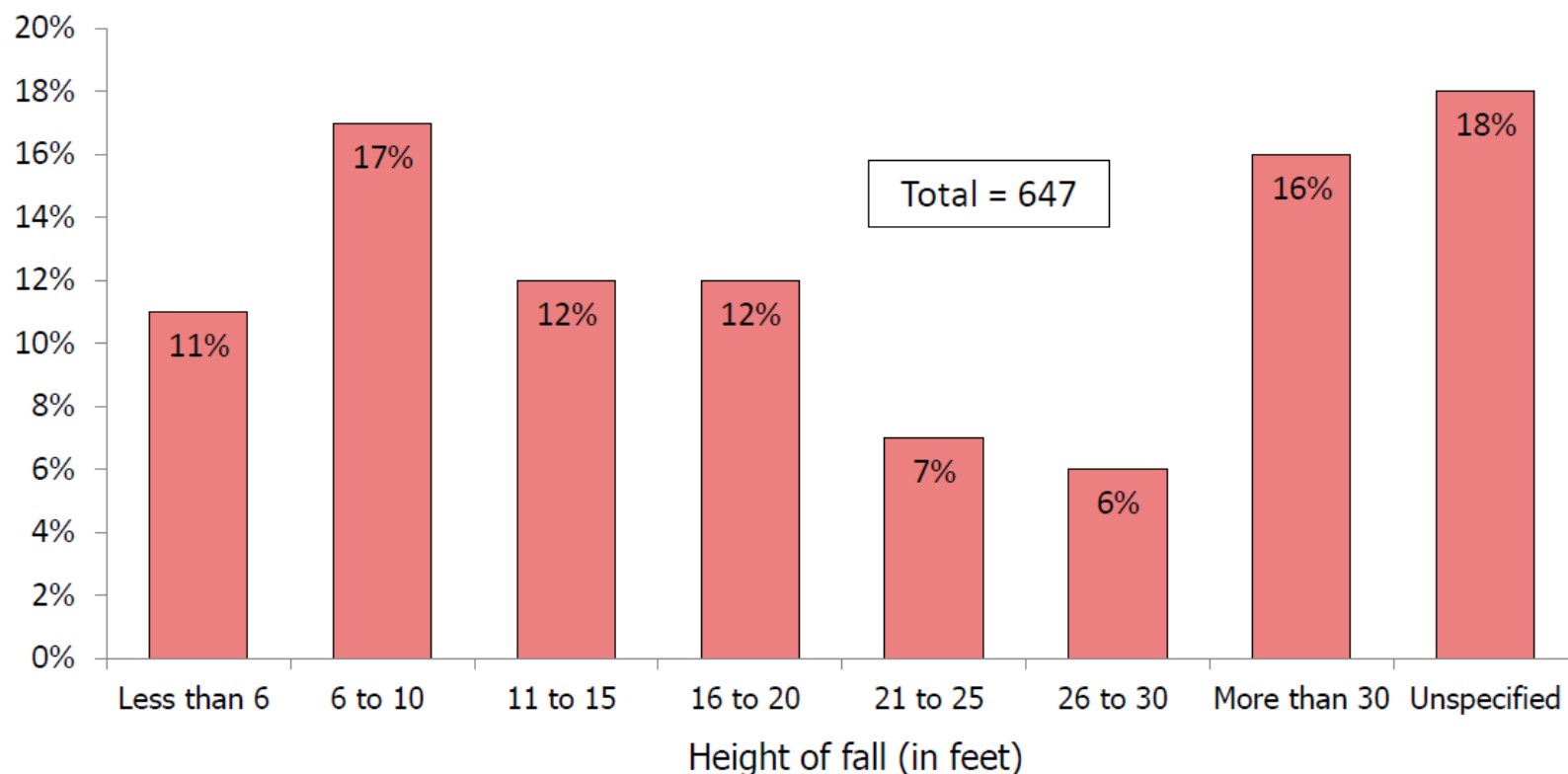
*Data for 2014 are preliminary. Data for prior years are revised and final.

Note: Transportation counts presented in this release are expected to rise when updated 2014 data are released in spring 2016 because key source documentation detailing specific transportation-related incidents has not yet been received. Percentages may not add to 100 due to rounding.

Source: U.S. Bureau of Labor Statistics, 2015.

Fatal falls to lower level by height of fall, 2014*

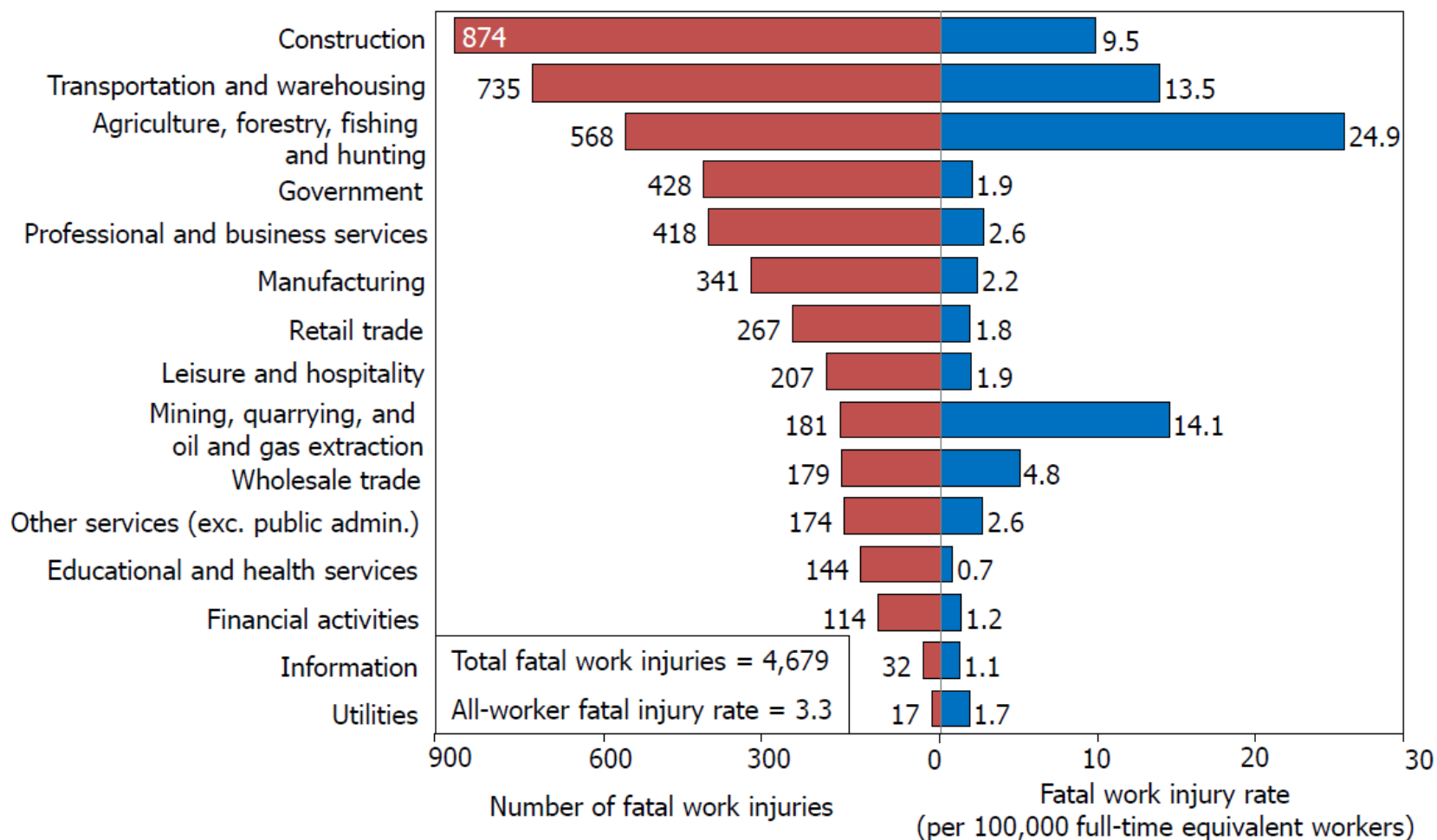
Percent of fatal falls to lower level



In 2014, the preliminary total for falls to lower level was 647 fatal work injuries, up 9 percent from the final count for 2013. Of the cases where height of fall was known (532 cases), about 2 out of every 3 were falls of 20 feet or less. One in five cases with a known height involved falls from more than 30 feet.

*Data for 2014 are preliminary.
Note: Percentages may not add to 100 due to rounding.
Source: U.S. Bureau of Labor Statistics, 2015.

Number and rate of fatal occupational injuries by industry sector, 2014*



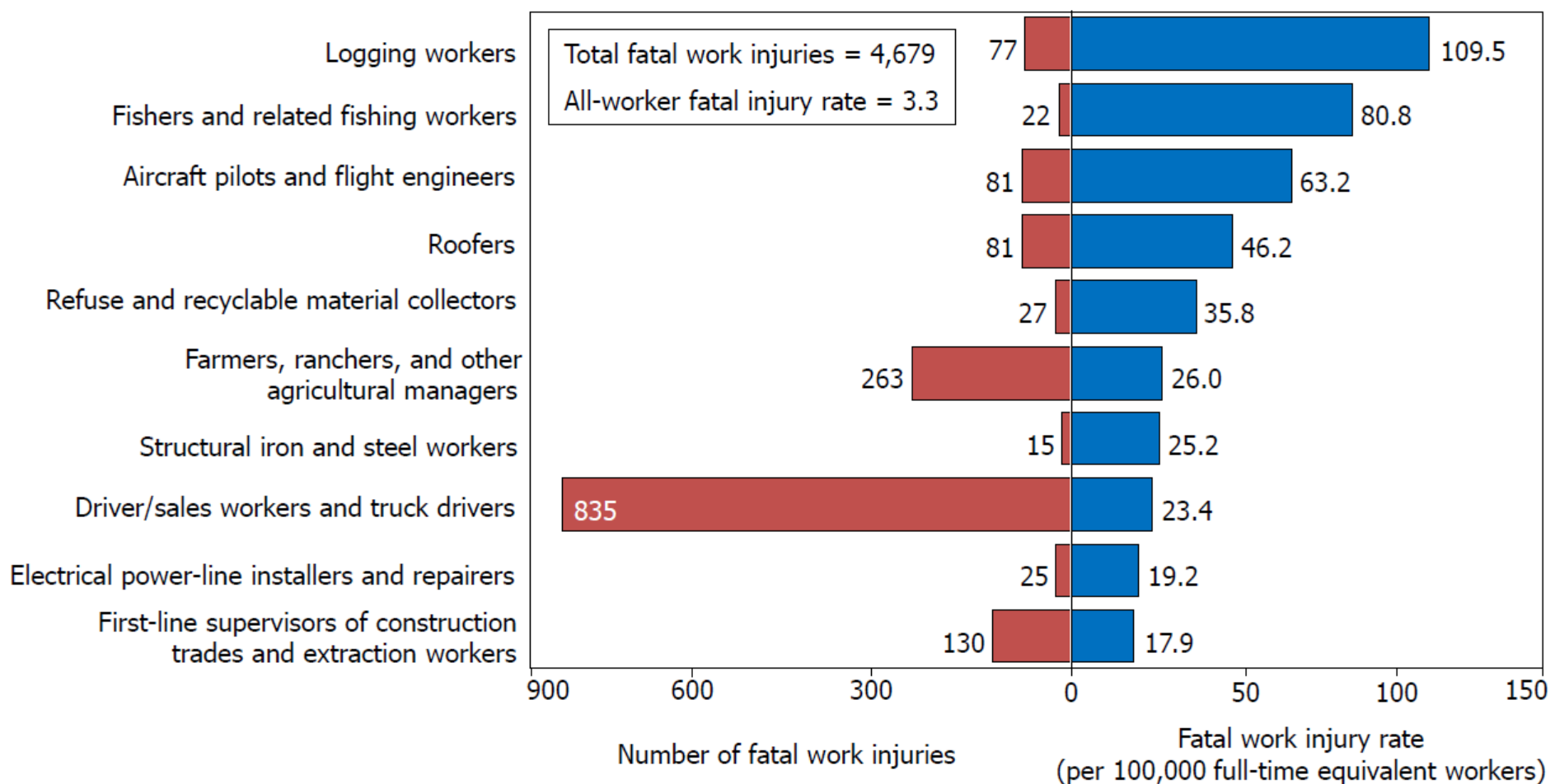
Private construction had the highest count of fatal injuries in 2014, but the private agriculture, forestry, fishing and hunting sector had the highest fatal work injury rate.

*Data for 2014 are preliminary.

Note: Fatal injury rates exclude workers under the age of 16 years, volunteers, and resident military. The number of fatal work injuries represents total published fatal injuries before the exclusions. For additional information on the fatal work injury rate methodology, please see <http://www.bls.gov/iif/oshnotice10.htm>.

Source: U.S. Bureau of Labor Statistics, Current Population Survey, Census of Fatal Occupational Injuries, 2015.

Civilian occupations with high fatal work injury rates, 2014*



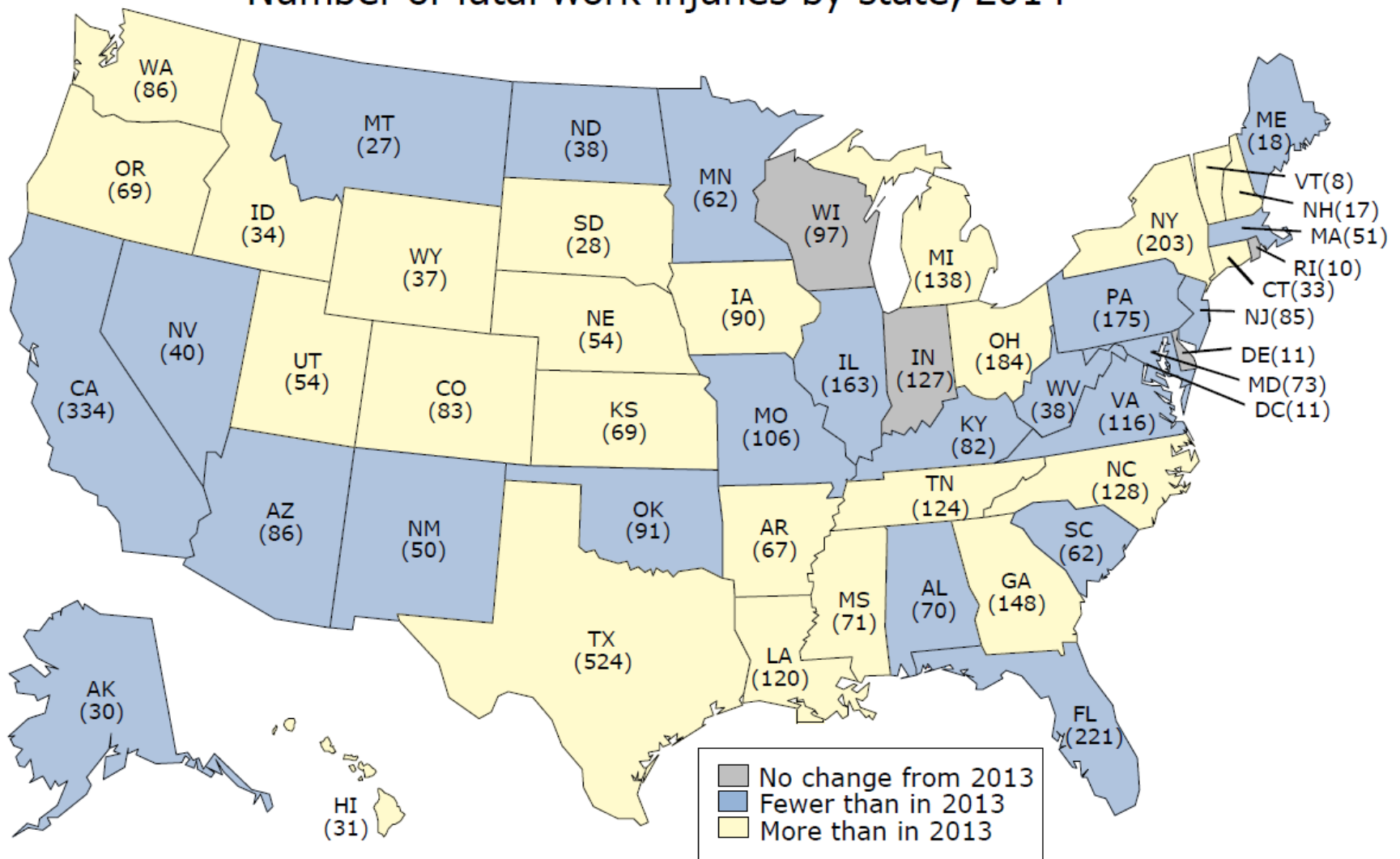
The preliminary data for 2014 showed fatal work injury rates were high for logging workers and fishers and related fishing workers. Driver/sales workers and truck drivers incurred the greatest number of fatal injuries.

*Data for 2014 are preliminary.

Note: Fatal injury rates exclude workers under the age of 16 years, volunteers, and resident military. The number of fatal work injuries represents total published fatal injuries before the exclusions. For additional information on the fatal work injury rate methodology, please see <http://www.bls.gov/iif/oshnotice10.htm>.

Source: U.S. Bureau of Labor Statistics, Current Population Survey, Census of Fatal Occupational Injuries, 2015.

Number of fatal work injuries by state, 2014*



Twenty-four states had counts showing more fatal injuries in 2014 than in 2013. Twenty-two states and the District of Columbia had fewer fatal workplace injuries in 2014 compared to 2013. Four states saw no change between the two years.

New inspection weighting system



- Some inspections are more complex than others
- Weighting helps OSHA focus on inspections that can have the **biggest impact** on workers' lives

Enforcement Cases with Initial Penalties Above \$40,000

[All States in Table Format](#)

(Includes citations issued starting January 1, 2015. Cases are updated weekly. There is a posting delay to ensure the parties have been notified.)



Click on a state to view enforcement cases for that state

Ohio

State	Inspection Number	Employer	City	Issuance Date	Initial Penalty
OH	1034570	Republic Steel	LORAIN	7/31/2015	75,500.00
OH	1058021	Republic Steel	LORAIN	7/31/2015	86,900.00
OH	1067666	Grimco Inc.	AKRON	7/31/2015	60,000.00
OH	1022119	Lauren Manufacturing, LLC	NEW PHILADELPHIA	7/13/2015	105,000.00
OH	1051971	WINTER EQUIPMENT COMPANY INC.	WILLOUGHBY	6/24/2015	40,600.00
OH	1047617	Cleveland Die & Manufacturing Company	CLEVELAND	6/18/2015	46,800.00
OH	1015263	Republic Steel	LORAIN	6/9/2015	97,500.00
OH	1046909	Jeyes USA Holdings, Inc.	NEW ALBANY	6/9/2015	49,000.00
OH	1057987	Canton Drop Forge,	CANTON	6/3/2015	77,000.00



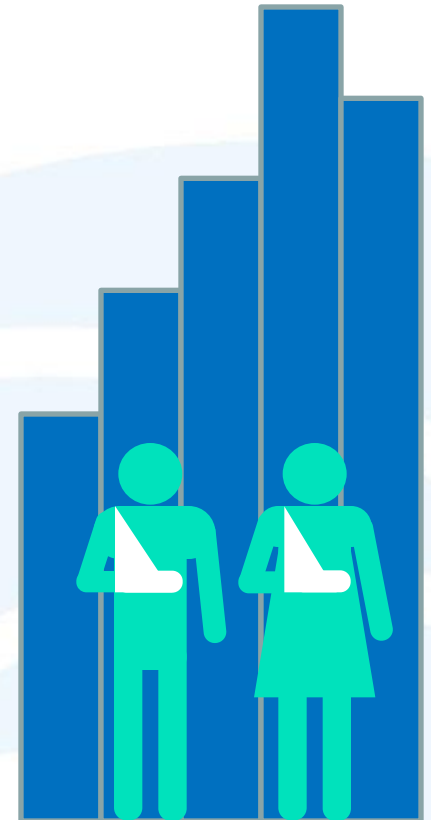
* This state has an OSHA-approved State Plan that covers private and state and local government workplaces.

** This state has an OSHA-approved State Plan that covers state and local government workers only.

Severe Injury Reporting Program

As of January 1, 2015:

- All employers are required to notify OSHA when an employee is **killed** on the job or suffers a work-related **hospitalization, amputation, or loss of an eye**.
- A fatality must be reported **within 8 hours**.
- An in-patient hospitalization, amputation, or eye loss must be reported **within 24 hours**.



Severe Injury Reporting



OSHA instituted the new reporting program to:

- Better target the Agency's enforcement efforts in places where workers are at greatest risk
- Engage more high-hazard employers in identifying and eliminating serious hazards

Severe Injury Reporting



RAPID RESPONSE INVESTIGATION (RRI)

- Collaborative, problem-solving approach
- Invites an employer and an OSHA Area Office to:

Find and fix hazards, and improve overall safety

YEAR ONE ANALYSIS

Year One of OSHA's Severe Injury Reporting Program: An Impact Evaluation

By David Michaels, PhD, MPH
Assistant Secretary of Labor for Occupational Safety and Health

Every year, tens of thousands of men and women across the United States are severely injured on the job, sometimes with permanent consequences to themselves and their families.

But until last year, the Occupational Safety and Health Administration (OSHA) lacked timely information about where and how most of those injuries were occurring, limiting how effectively the agency could respond. Too often, we would investigate a fatal injury only to find a history of serious injuries at the same workplace. Each of those injuries was a wake-up call for safety that went unheeded.

Now, under a requirement that took effect Jan. 1, 2015, employers must report to OSHA within 24 hours any work-related amputation, in-patient hospitalization, or loss of eye. (The requirement to report a fatality within 8 hours was unchanged.) Injuries may be reported directly to an OSHA field

office, to the OSHA toll-free number, or via an online form; details are available at www.osha.gov/report.html. OSHA instituted the new reporting requirements to:

1. Enable the agency to better target our compliance assistance and enforcement efforts to places where workers are at greatest risk, and;
2. Engage more high-hazard employers in identifying and eliminating serious hazards.

Experience in the field and data from more than 10,000 reports of severe injuries tell us that both goals are being met. We are confident that the events triggered by these reports have eliminated the potential for many more thousands of injuries in U.S. workplaces.



Severe Injury Reporting:

YEAR ONE FINDINGS



- **10,388** severe injuries reported, including **2,644** amputations and **7,636** hospitalizations
 - This is an average of **30** worker injuries every day of the year
 - Most reported injuries (**62%**) were addressed by **employer investigation**, *not* OSHA inspection

Protecting Temporary Workers:

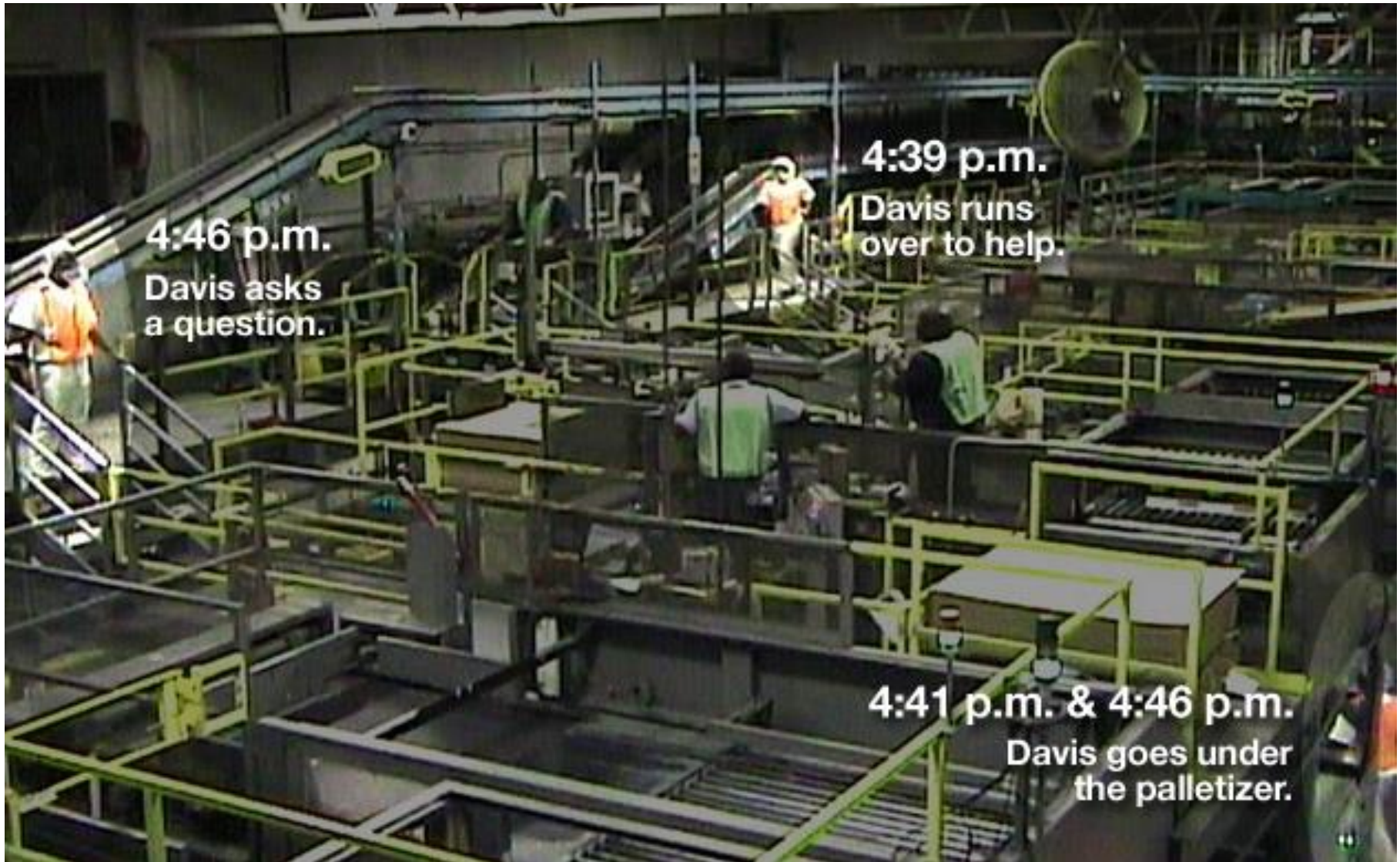
A joint responsibility

- **Both host employers and staffing agencies** have roles in complying with workplace health and safety requirements and they share responsibility for ensuring worker safety and health.
- Legally, **both the host employer and the staffing agency** are employers of the temporary worker.

Shared control over worker = Shared responsibility for worker

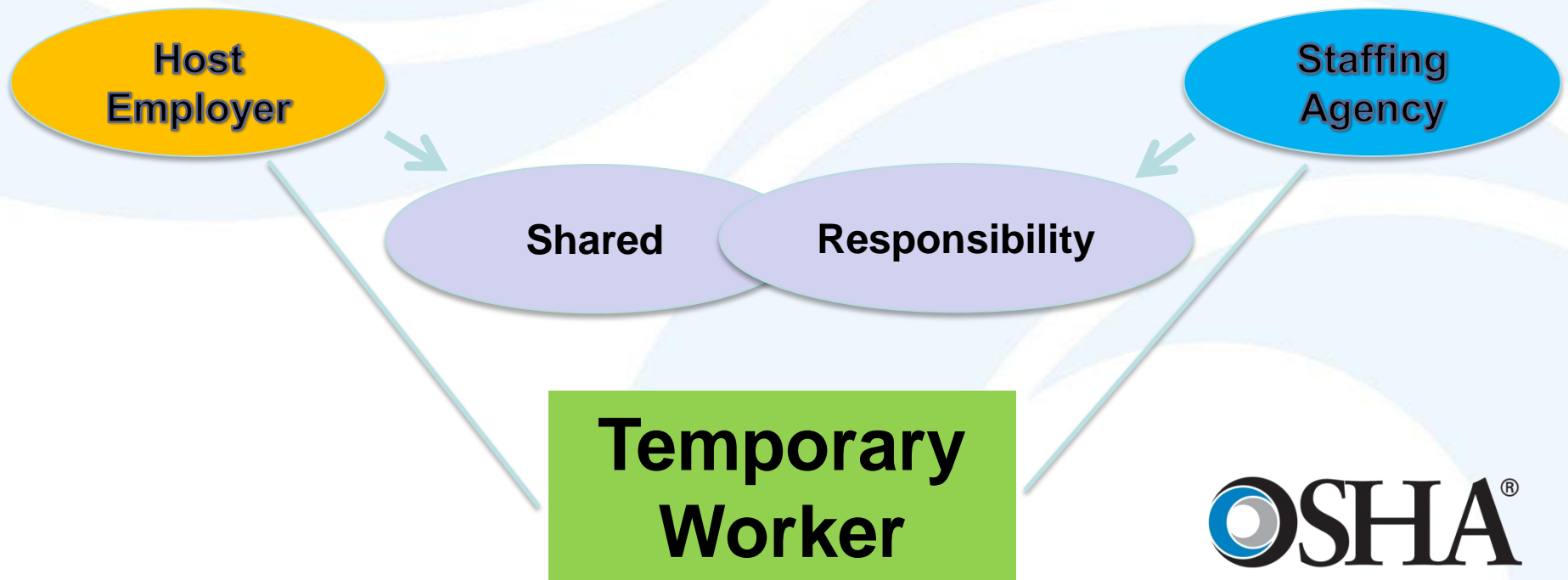


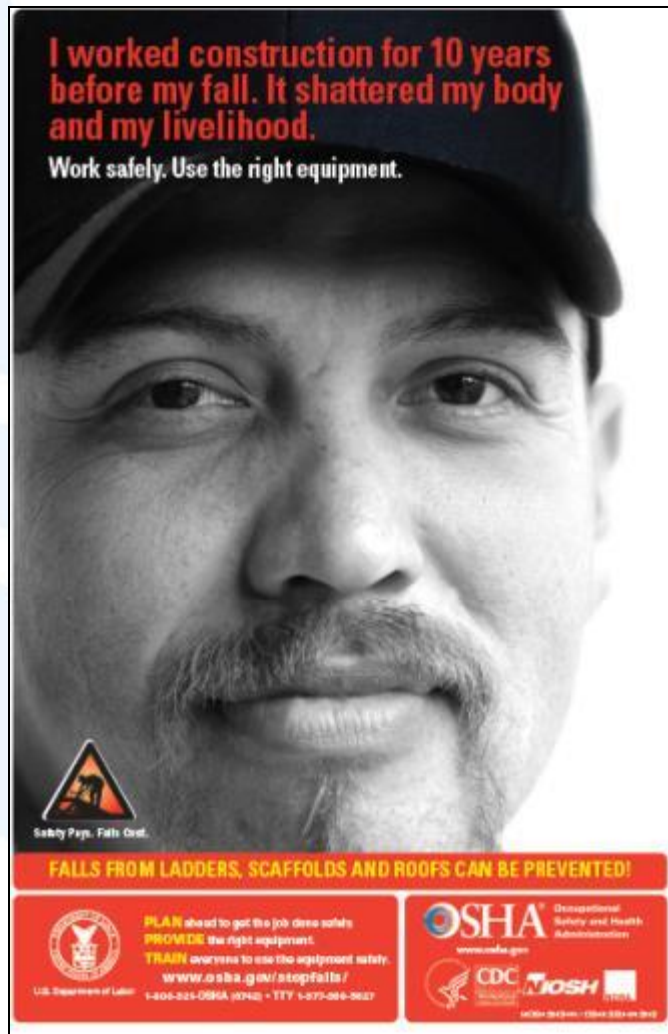
Bacardi August 2012



Responsibilities of host employers and staffing agencies

Both the host employer and the staffing agency have a *shared responsibility* for the temporary worker





Fall Prevention Campaign

- Falls are **leading cause of deaths** in construction — about 1/3 of all construction fatalities
- In 2012, more than **8,800** construction workers were **injured** on the job from falls from heights
- Almost **300 construction workers** were killed at work from falls

May 2-6 2016



Heat Illness Prevention Campaign



WATER. REST. SHADE.

The work can't get done without them.

- In 2012, **31** workers died from heat exposure
- More than **4,100** workers were injured from heat-related illnesses
- Acclimate!



Heat Illness Prevention Campaign

Heat illness **sickens** thousands and results in the **deaths** of dozens of workers each year



Heat Safety Tool for mobile phones has been downloaded more than **250,000** times

WATER. REST. SHADE.
The work can't get done without them.



OSHA Inspection Priority

Priority	Category of Inspection
1st	Imminent Danger: <i>Reasonable certainty an immediate danger exists</i>
2nd	Fatality/Catastrophe: <i>Reported to OSHA; inspected ASAP</i>
3rd	Complaints/Referrals: <i>Worker or worker representative can file a complaint about a safety or health hazard</i>
4th	Programmed Inspections: <i>Cover industries and employers with high injury and illness rates, specific hazards, or other exposures.</i>

Citations and Penalties

VIOLATION TYPE	PENALTY
WILLFUL A violation that the employer intentionally and knowingly commits or a violation that the employer commits with plain indifference to the law.	OSHA may propose penalties of up to \$70,000 for each willful violation, with a minimum penalty of \$5,000 for each willful violation.
SERIOUS A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard.	There is a mandatory penalty for serious violations which may be up to \$7,000.
OTHER-THAN-SERIOUS A violation that has a direct relationship to safety and health, but probably would not cause death or serious physical harm.	OSHA may propose a penalty of up to \$7,000 for each other-than-serious violation.
REPEATED A violation that is the same or similar to a previous violation.	OSHA may propose penalties of up to \$70,000 for each repeated violation.

INSPECTIONS

- Fatalities
- Scheduled
- Complaints
 - Formal/Nonformal
- Referrals



Top Ten Violations

**Most frequently cited
OSHA regulations
during FY 2015
inspections**

1. Fall Protection
2. Hazard Communication
3. Scaffolding
4. Respiratory Protection
5. Lockout/Tagout
6. Powered Industrial Trucks
7. Ladders
8. Electrical – Wiring Methods
9. Machine Guarding
10. Electrical – General Requirements



SCHEDULED INSPECTIONS

National Emphasis Programs (NEP)

- *Process Safety Management*
- *Trenching*
- *Amputations*
- *Combustible Dust*

SCHEDULED INSPECTIONS

Regional Emphasis Programs (REP)

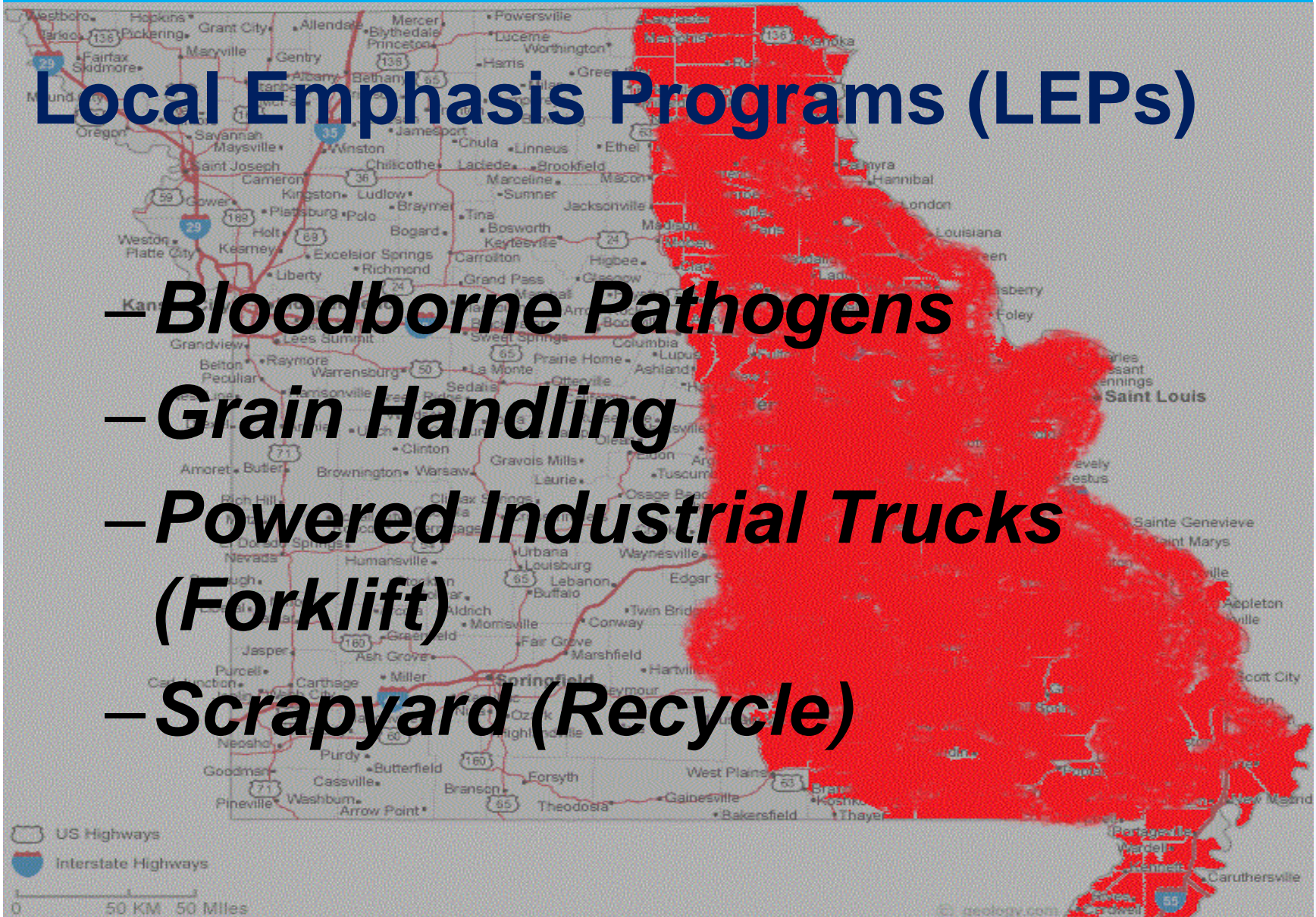
- Falls and Overhead Power lines*
- High Hazard Safety and Health Workplace Inspections*
- Powered Industrial Trucks/Other Material or Personnel Handling Motorized Equipment*



SCHEDULED INSPECTIONS

Local Emphasis Programs (LEPs)

- *Bloodborne Pathogens*
- *Grain Handling*
- *Powered Industrial Trucks (Forklift)*
- *Scrapyard (Recycle)*



COMPLAINTS

- Duty officer
- Phone/Fax
- Inspections



OSHA QuickTakes



- **Free** OSHA e-newsletter delivered twice monthly to more than 110,000 subscribers
- **Latest news** about OSHA initiatives and products to help employers and workers find and prevent workplace hazards
- Sign up at www.osha.gov



Interactive Hazard ID Safety Tool

- Helps small businesses learn how to identify workplace hazards
- Interactive features challenge users: “Can you spot all the hazards?”
- Now updated with a new healthcare scenario and two new visual inspections



osha.gov/hazfinder



On-Site Safety & Health Consultation

The Division of Labor Standards' On-Site Safety and Health Consultation Program can assist you in making your workplace safer and help avoid costly penalties imposed by OSHA. The service is designed for small employers (less than 250 employees on-site, no more than 500 employees nationwide) in **high hazard industries**. Our safety and health consultants provide an OSHA-type "mock" inspection at the workplace, for free and without assessing any fines or penalties (OSHA fines for serious hazards found in the workplace increased from \$849 to \$2,014 per hazard). The employer always sets the scope of the visit, so the consultation can include the entire workplace or it can be limited to a specific area or phase of the workplace. Your only obligation is to correct the hazards identified by the consultant.



During the walk through, the safety and health consultant will identify and discuss any potential hazards and suggest the best and most cost - effective solutions. Consultants also can provide training and assistance in the preparation of site-specific written safety and health programs. **SIGN UP TODAY!**

Want to save even more money? Join our **Safety and Health Achievement Recognition Program (SHARP)**. Become exempt from OSHA targeted inspections for up to two years, reduce your insurance premiums, cut out-of-pocket expenses and decreased workplace injuries.

Samples of Safety Programs and Plans

OSHA LOCAL AND REGIONAL EMPHASIS PROGRAMS

CONFINED SPACE PROGRAM

EMERGENCY ACTION PROGRAM

EXPOSURE CONTROL PLAN

FIRE-PREVENTION PLAN

HAZARD COMMUNICATION PROGRAM

HEARING CONSERVATION PROGRAM

ENERGY CONTROL PROGRAM

PERSONAL PROTECTIVE EQUIPMENT PLAN

RESPIRATORY PROTECTION PROGRAM

ELECTRICAL HOT WORK PERMIT SAMPLE

OSHA Emphasis Industries and Hazards

The following industries and program areas are emphasized priorities for Occupational Safety and Health Administration

Sign up for On-Site



Connect with On-Site

Contact Information

Division of Labor Standards

On-Site Safety and Health Program

3315 W. Iñterurban Boulevard, Room 205

P.O. Box 449

Jefferson City, MO 65102-0449

Phone: 573-522-SAFE(7233)

Fax: 573-751-3721

laborstandards@labor.mo.gov



**WORKER PROTECTION
CENTER**

Kansas City Area Office

- Nineteen on staff
 - Eight Safety Compliance Officers (CSHO)
 - Five Industrial Hygienist (IH) Compliance Officers
 - One Compliance Assistant
 - One Program Manager
 - One Safety and Health Clerk
 - Two Assistant Area Directors
 - One Area Director

How Are OSHA Inspections Conducted?

- ▶ The OSH Act authorizes OSHA compliance safety and health officers (CSHOs) to conduct workplace inspections at reasonable times.
- ▶ OSHA conducts inspections without advance notice, except in rare circumstances (e.g. Imminent Danger)
- ▶ In fact, anyone who tells an employer about an OSHA inspection in advance can receive fines and a jail term.

Inspection Rights

- ❖ Employers have a right under the Fourth Amendment to the U.S. Constitution to be free in their workplaces, just as they are in their homes, from unreasonable searches and seizures, which includes inspections by OSHA
- ❖ Employers have the right to an opening conference.
 - Determine the scope of the inspection
 - Question the purpose of and probable cause justifying the inspection
 - Establish the ground rules; collection of documents, interviews, access to the facility.
- ❖ If the inspection was initiated by an employee complaint, you have a right to access a copy of the complaint.



Inspection Rights

- ❖ Once an OSHA inspection begins, employers have many rights, including a right to accompany the compliance officer at all times.
- ❖ Take side-by-side photographs or document other physical evidence that OSHA takes during the inspection
- ❖ Interview statements by management representatives ; employers have a right to be present in interviews of management witnesses
- ❖ Employers have a right to protect their trade secrets and business confidential information from disclosure to third parties
- ❖ Contest citation/allegations



What to Expect in an Inspection



- ❖ **Examination of Written Programs:**
 - All programs if inspection scope is comprehensive
 - Select programs if partial inspection

What to Expect in an Inspection

❖ **Workplace Walk-through:**

- **All areas if inspection scope is comprehensive**
- **Select areas if partial inspection**



What to Expect in an Inspection



❖ **Documentation of Noted Hazards:**

- **Photographs**
- **Sketches**
- **Interviews**

What to Expect in an Inspection

❖ **Closing Conference:**

- **Noted Hazards**
- **Abatement date**
- **Citation posting (3 days or until hazard corrected)**
- **Employer and employee rights**



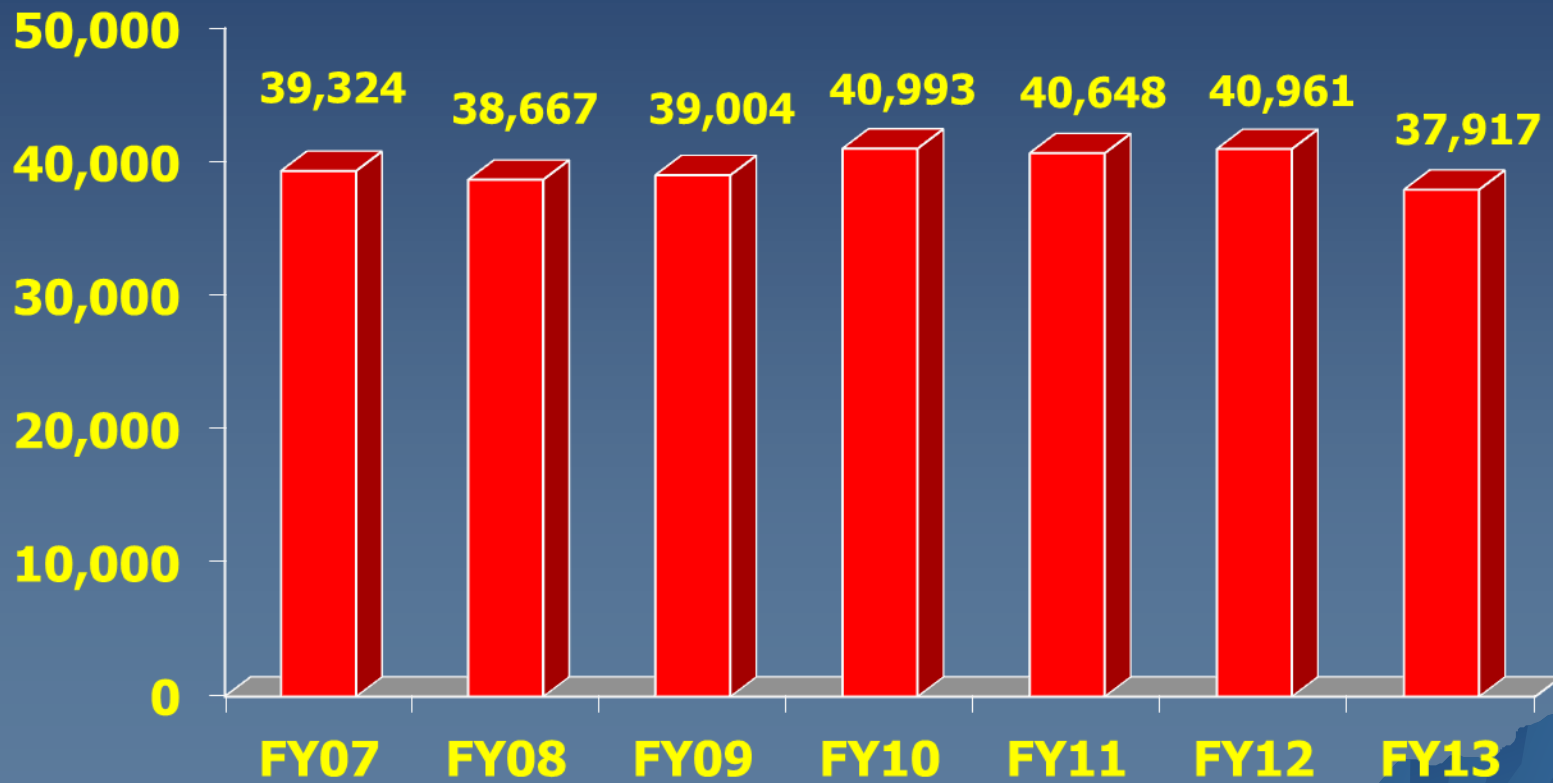
Post Inspection Activity

- ❖ **Agreement with citation issuance and payment of assessed penalty**
- ❖ **Informal conference**
- ❖ **Contest citation**
- ❖ **After 15 working days all citations become final order**



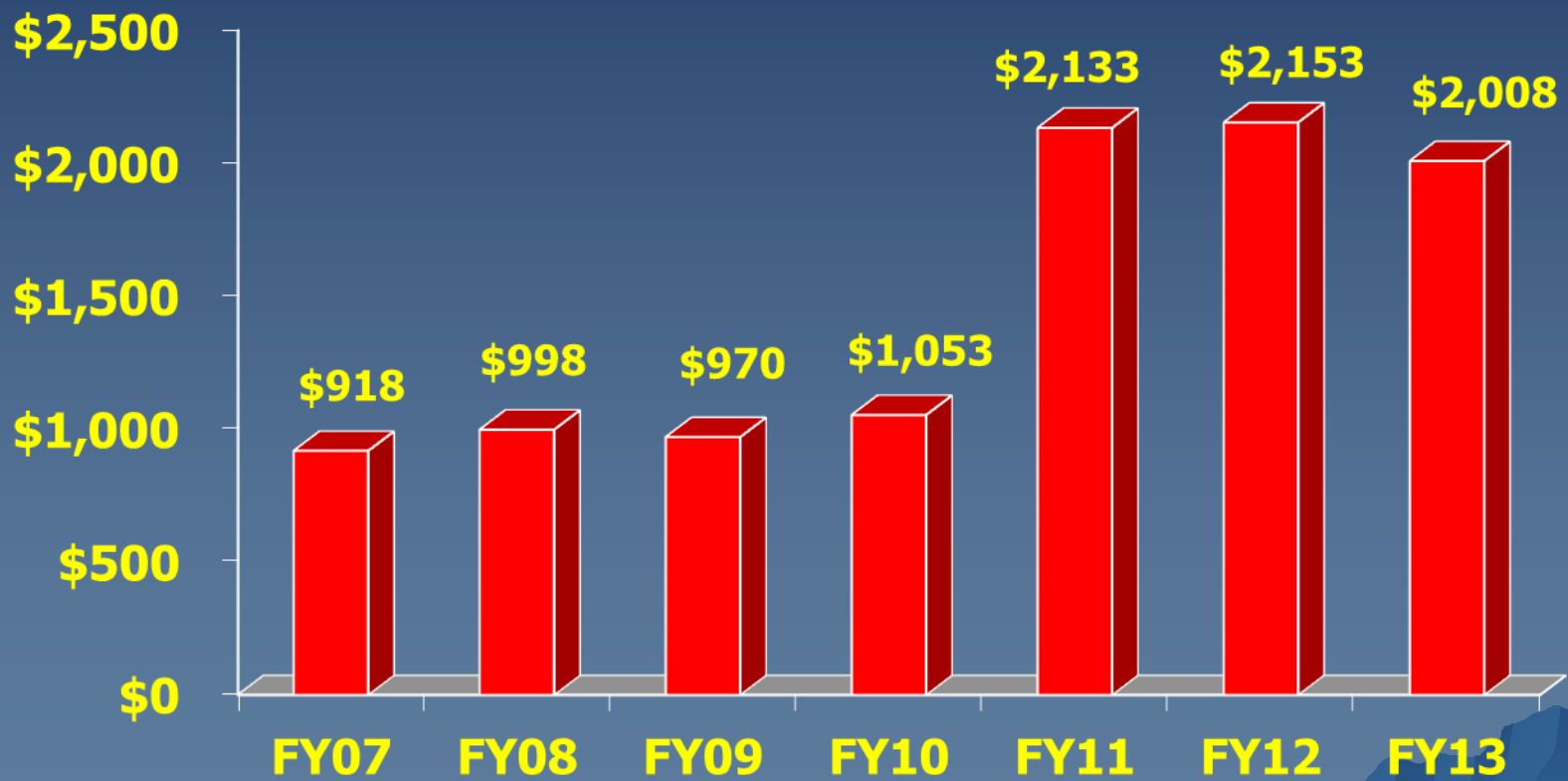
FY 2007 – FY 2013

Inspections Conducted



FY 2007 – FY 2013

Average Current Penalty Per Serious Violation



Increase in OSHA Fines



What's new

❖ **Confined
Space in
Construction**

❖ **Silica**



What's
new?

What's new

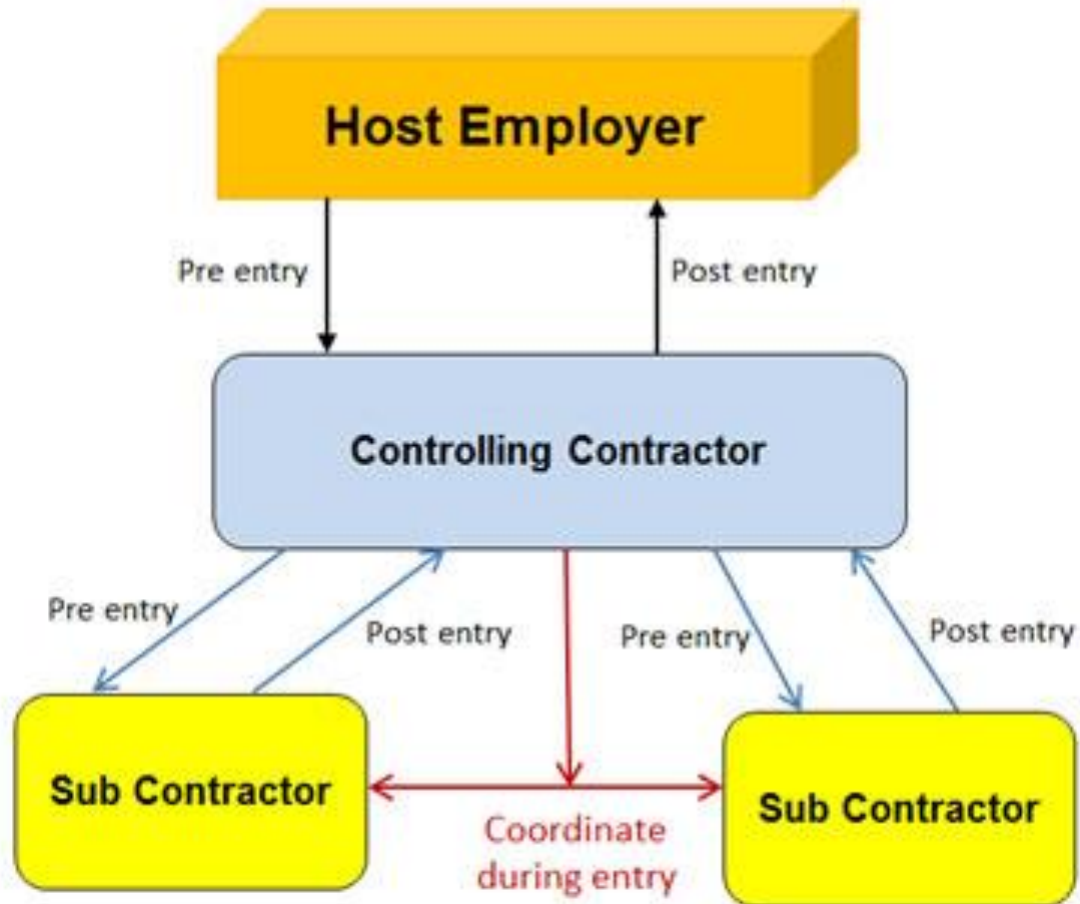
❖ Confined Space in Construction



New Provisions

- ❖ New standard includes language on:
 - Duties and knowledge of competent person
 - Coordinated activities and contractor definitions
 - Hazard assessment
 - Training – language and vocabulary requirements, demonstration of proficiency
 - Rescue operations – notification if rescue team not available
 - Continuous monitoring
 - Early warning systems

Definitions



OSHA Silica Rule



- Final rule announced March 24 - Effective date June 23, 2016
- PEL reduction to 50 micrograms per cubic meter TWA from current 250 mg_3 for construction and 100 for general industry
- Requires engineering controls to reduce levels and respirators when PEL cannot be achieved.

OSHA Silica Rule



- Construction has one year rollup
- General Industry and Maritime two year delay
- Requires engineering controls to reduce levels and respirators when PEL cannot be achieved.

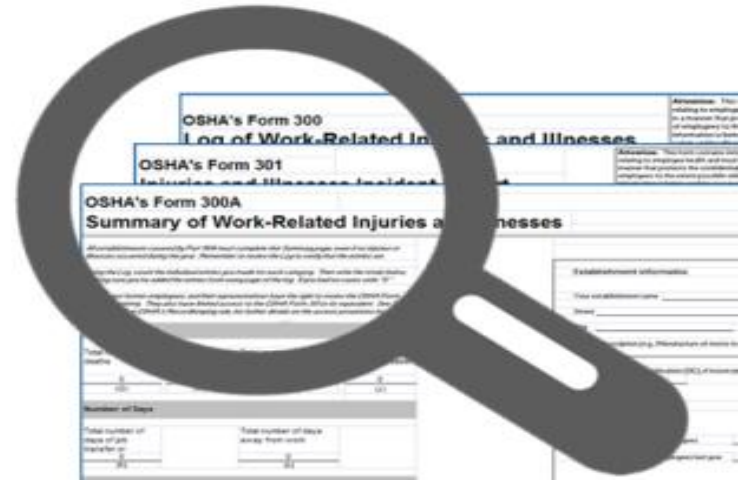
What's on the horizon

- ❖ Injury Illness Recordkeeping Proposal
- ❖ Legislation



What's on the Horizon

❖ Recordkeeping



- OSHA issued proposed rule in Nov 2013 to add requirements for **electronic submission of injury and illness information** employers are already required to keep under existing standards, Part 1904.

What's on the Horizon

❖ Recordkeeping

- ❖ The Proposal would require:
 - Employers with more than 250 workers to electronically submit data on a quarterly basis
 - Those with 20 to 250 workers to e-file annually
 - 11 to 20; e-file if notified.
- ❖ Under the proposed new rule, around 440,000 companies will be subject to requirement to report injury and illness rates. Approximately 220,000 currently report
- ❖ All data from the OSHA log would be public information EXCEPT the employee name

S.1112 - Protecting America's Workers Act 114th Congress (2015-2016)

Senator Franken - MN

Amends the Occupational Safety and Health Act of 1970 (OSHA) to expand its **coverage to federal, state, and local government employees.**

Increases civil and criminal penalties for certain OSHA violators

Increases protections for whistle blowers under OSHA.

Prescribes requirements relating to:

A employer's duty to furnish a place of employment free from recognized hazards causing or likely to cause death or serious physical harm to any individual (**not just an employer's employee**) performing work there; a site-controlling employer's duty to **keep a site log for**

recordable injuries and illnesses of all employees, including employees of the site-controlling employer or others (including independent contractors)



H.R.1932 - To amend the Occupational Safety and Health Act of 1970 to allow employers a grace period to abate certain occupational health and safety violations before being subject to a penalty under such Act.114th Congress (2015-2016)

Representative Hartzler - MO

Amends the OSH Act of 1970 to prohibit the assessment of penalties against employers for **non-willful, unrepeated, or non-serious violations during the time period fixed for abatement of such a violation in any citation or final order.**

Furthermore, no penalty shall be assessed for a violation if it shall be abated by the employer in accordance with the citation or order before the end of that period.



Kansas - OSHA State Plan

- **An Act to study whether the state should enter into an agreement with the federal government regarding enforcement of federal OSHA standards**
- **Signed into law May, 2014**
- **Study completed January 2015**
- **Support: General Contractors Association
Wichita Metro Chamber, Individual Companies**
- **Opposed: AFL-CIO,
American Subcontractors Assoc.
Kansas State Building Trades,
Individual Companies.**
- **House passed 93-30 3 Democrats for - 1 Rep against**
- **Senate passed 32-8 Party line vote**



QUESTIONS?

